86-042 Notification of Placement of Minors in Protective Custody

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

NOTIFICATION OF PLACEMENT OF MINORS IN PROTECTIVE CUSTODY

Welfare and Institutions Code section 308(a) requires that a peace officer who takes a minor into protective custody must take immediate steps to notify the minor's parent, guardian, or responsible relative that the minor is in custody and the place where the minor is being held. This Section also provides a process whereby a juvenile court order may be obtained to allow for non-disclosure of the minor's whereabouts. In cases where obtaining the juvenile court order is impossible or impractical, and the officer has a reasonable belief that disclosure of the minor's whereabouts would endanger the minor or otherwise disturb the custody of the minor, the officer may refuse to disclose the minor's whereabouts. The court shall review any such decision either at the detention hearing for the minor or within 24 hours upon application of the parent, guardian or responsible relative.

Effective immediately, any member of this Department who takes a minor into protective custody shall take immediate steps to notify the minor's parent, guardian, or responsible relative. This notification shall include the fact that the minor is in protective custody and the location where the minor has been placed.

When a member of this Department takes a minor into protective custody and has a reasonable belief that disclosure of the minor's whereabouts would endanger the minor or otherwise disturb the custody of the minor, the following procedure shall be adhered to:

- Make note of specific circumstances or facts that lead to the belief that disclosure of the minor's exact whereabouts would endanger the minor or disturb the custody of the minor.
- Factors that should be considered in this determination include but are not limited to:
  - Severity of injuries to the minor.
  - Evidence of mental instability on the part of the parent, guardian, or responsible relative.
  - Evidence that indicates that the parent, guardian, or responsible relative may try to retrieve the minor and either dissuade him or her from providing information to officials, or flee.
- Contact the juvenile court commissioner by telephone. Be prepared to describe the nature of the situation and the circumstances or facts that justify the issuance of a non-disclosure order.
  - During business hours, the commissioner may be contacted at [REDACTED TEXT]
  - Outside of regular business hours, the on-call commissioner may be contacted through the Department of Children's Services emergency medical consent line at [REDACTED TEXT]
- If the juvenile court commissioner authorizes the non-disclosure order, obtain the commissioner's name and the time the order was issued. This information, along with the facts that warranted the non-

disclosure shall be included in the first report. Parental notification shall then exclude the minor's whereabouts.

- If the juvenile court commissioner declines to issue a non-disclosure order, obtain the commissioner's name, which shall be included in the first report along with the facts that were believed to justify the non-disclosure. In this case the notification to the parent shall include the minor's whereabouts.
- In rare situations, non-disclosure of the minor's whereabouts may appear to be justified, but it is impossible or impractical to contact the juvenile court commissioner. In this case personnel shall refuse to disclose the minor's whereabouts to the parent, guardian, or responsible relative. The facts that justified non-disclosure shall be articulated in the first report, along with the reason(s) that the juvenile court commissioner could not be contacted.

  NOTE - In any case in which a minor is taken into protective custody, the parent, guardian, or responsible relative shall be notified that the minor is in protective custody. Non-disclosure orders only apply to furnishing the minor's exact whereabouts to the concerned party.

- It is the responsibility of the deputy who takes the minor into protective custody to seek the non-disclosure order if the situation warrants. The Child Abuse Detail may be consulted for advice, but will not assume responsibility for obtaining the order.
- If the decision is made not to disclose the minor's whereabouts either by means of a non-disclosure order issued by the juvenile court commissioner or in those rare situations when non-disclosure of the minor's whereabouts may appear to be justified but it is impossible or impractical to contact the juvenile court commissioner, MacLaren Children's Center intake and detention control must be notified of the non-disclosure at the time placement is solicited at [REDACTED TEXT]